

# Notice of Allowability

Application No.

09/781,512

Examiner

Fred Ferris

Applicant(s)

GENOVESE, JAMES A.

Art Unit

2128

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3 January 2007.
2. ☒ The allowed claim(s) is/are 72-77.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

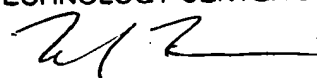
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 01052007.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

FRED FERRIS  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 2100



### **DETAILED ACTION**

1. *This office action is responsive to applicants' After Final Amendment filed 3 January 2007. Applicants have now included (rolled up) the limitations of dependent claims 51-53 (now cancelled) that were previously indicated as allowable into independent claims 72, 74, and 76. By this amendment applicants have now cancelled apparatus claims 78-83. Accordingly, the case is now in condition for allowance.*

### **EXAMINER'S AMENDMENT**

2. *An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.*

*Amend the specification as follows:*

*On page 5, line 18 of the specification **delete** the number 14 and **insert** the 13 before the phrase "is a drop-down menu..." Line 18 of page 5 should now read as:*

*"FIG 13. is a drop-down menu for ..."*

### **Response to Arguments**

3. *Applicant's arguments filed 3 January 2007 with respect to new claims 72-77 have been considered and found to be persuasive.*

*Regarding applicants' response to 103(a) rejections: Applicant's have now submitted new independent claims (72, 74, 76) containing allowable subject matter*

*previously indicated in claims 51-53 (now cancelled) and all intervening limitations.*

*Previous 103(a) rejections are therefore withdrawn in view of applicant's amendment to the claims and supporting arguments filed 3 January 2007.*

***Allowable Subject Matter***

4. *Claims 72-77 are allowed over the prior art of record.*

*The following is an examiner's statement of reasons for allowance:*

*Applicants are disclosing a method for hazardous incident decision support and training that includes acquiring signs and symptoms via a user interface for inputting an incident (potentially hazardous) situation and conditions, acquiring (chemical/biological) agent characteristics from a database of records representing known hazardous agents, and subsequently performing an identification of the agent by comparing the observed signs and symptoms with the agent characteristics data based on a timed response.*

*This has been disclosed in the prior art of record.*

*While certain elements of the claimed invention are individually disclosed in the prior art, the prior art of record does not disclose the specific method formula for performing an initial agent identification by comparing the observed signs and symptoms acquired with agent characteristics data for data records as now recited in independent claims 72, 74 and 76.*

*The closest prior art uncovered during examination teaches certain limitations of the claimed invention as follows:*

- US Patent Application Publication 2001/0056435 A1: teaches a computer method for hazardous incident decision support that includes acquiring data via a user interface for inputting an incident (potentially hazardous) situation and conditions, acquiring (chemical/biological) agent characteristics from a database of records, but does not teach the specific method formula for performing an initial agent identification by comparing the observed signs and symptoms acquired with agent characteristics data for data records as now recited in independent claims 72, 74 and 76.

- "Emergency Response to Incident Involving Chemical and Biological Warfare Agents", Medici et al: discloses the identification of the agent by comparing the observed signs and symptoms with "known" agent characteristics data, but again does not teach the specific method formula for performing an initial agent identification by comparing the observed signs and symptoms acquired with agent characteristics data for data records as now recited in independent claims 72, 74 and 76.

The features noted above relating to the specific arrangement of elements as now recited in the independent claims 72, 74 and 76 renders the claimed invention non-obvious over the prior art of record. Dependent claims 73, 75, and 77 are deemed allowable as depending from independent claims 73, 75, and 77 respectively.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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**Conclusion**

5. *Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Ferris whose telephone number is 571-272-3778 and whose normal working hours are 8:30am to 5:00pm Monday to Friday. Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist whose telephone number is 571-272-3700. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached at 571-272-2279. The Official Fax Number is: (571-273-8300)*

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January 4, 2007

  
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